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USF INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEVADA

USF INSURANCE COMPANY,  
a Michigan corporation,

Plaintiff,

vs.

SMITH'S FOOD AND DRUG CENTER,  
INC., d/b/a SMITH'S FOOD AND DRUG  
CENTER, #377, an Ohio corporation; and J &  
I MAINTENANCE, a Utah corporation.

Defendants.

SMITH'S FOOD AND DRUG CENTER,  
INC., d/b/a SMITH'S FOOD AND DRUG  
CENTER, #377, an Ohio corporation,

Counterclaimant,

vs.

USF INSURANCE COMPANY, a Michigan  
corporation; and ROE CORPORATIONS I-X,  
inclusive,

Counterdefendant.

CASE NO. 2:10-cv-01513-MMD-VCF

STIPULATION AND JOINT MOTION TO  
CONTINUE SETTLEMENT CONFERENCE  
AND ORDER THEREON

(First Request)

EMERGENCY RELIEF REQUESTED

PURSUANT TO LOCAL RULES 6-1, 7-1, and 26-4, plaintiff/counter-defendant, USF INSURANCE COMPANY (USFIC) and defendant/counter-claimant, SMITH'S FOOD & DRUG CENTER, INC., d/b/a SMITH'S FOOD AND DRUG CENTER #377 (SMITH'S), through their respective counsel of record, hereby submit this Stipulation and Joint Motion to Continue the August 7, 2013 Settlement Conference (Doc. # 104) to a date to be selected by the court in November, 2013 as follows:

1. On April 11, 2013, the Honorable Miranda M. Du issued an order for the parties to schedule a settlement conference with the Magistrate Judge (Doc. #103).

2. Thereafter, the parties conferred in good faith to obtain mutually available dates to schedule a settlement conference.

3. On June 28, 2013, the Honorable Magistrate Judge Cam Ferenbach issued an Order Scheduling a Settlement Conference from August 7, 2013, with confidential settlement briefs to be delivered to the Court by 4:00 p.m. on July 31, 2013 (Doc. # 104).

4. On July 24, 2013, Patrick M. Kelly of Wilson Elser Moskowitz Edelman & Dicker, LLP filed a Verified Petition for Permission to Practice in This Case Only by Attorney Not Admitted to the Bar of This Court and Designation of Local Counsel (Doc. #105).

5. On July 24, 2013, the Court issued an Order Granting Patrick Kelly's Verified Petition for Permission to Practice (Doc. # 106).

6. Due to Mr. Kelly's recent appearance in this case as lead counsel, USFIC made a good faith request that SMITH'S stipulate to continue the August 7, 2013, settlement conference in order for Mr. Kelly to participate in the settlement conference in a meaningful manner.

7. SMITH'S agreed to continue the August 7, 2013, settlement conference.

8. By the time the parties reached an agreement to continue the August 7, 2013, conference, the dates available for a short continuance of the settlement conference had been reserved for other cases.

9. Immediately upon being advised of the next available dates after August 7, 2013, the parties endeavored to select mutually available dates.

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10. The mutually available dates for a settlement conference that coincide with dates provided to the parties are November 5, 6, and 7, 2013. The parties hereby request the Court through this stipulation to continue the August 7, 2013 settlement conference to one of the aforementioned dates in November, 2013, in order for the conference to be a meaningful opportunity to discuss settlement of the case as discussed herein.

11. The parties' request is not made for an improper purpose or to delay the resolution of the case. The parties urge the court to grant a continuance of the August 7, 2013, settlement conference in order to facilitate meaningful and good faith settlement discussions.

**IT IS SO STIPULATED.**

**McKAY LAW FIRM, CHTD.**

*/s/ Pamela A. McKay*

DATED: July 31, 2013

By:

PAMELA A. McKAY (SBN 7812)  
Attorneys for Plaintiff/Counter-Defendant  
USF INSURANCE COMPANY

**PRINCE & KEATING**

*/s/ Dennis Prince*

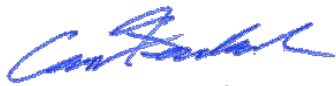
By:

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Attorneys for Defendant/Counter-claimant,  
SMITH'S FOOD & DRUG CENTER, INC.

**ORDER**

**IT IS SO ORDERED** that the August 7, 2013, settlement conference is continued to 10:00 a.m. a.m./p.m. on November 5, 2013, in the chambers of the Honorable Magistrate Judge Cam Ferenbach, with confidential settlement conference statements to be received in Judge Ferenbach's chambers no later than 4:00 p.m. on October 30, 2013.

DATED: 8-1-2013



UNITED STATES MAGISTRATE JUDGE